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Title of Document:	Administrative Leave for Employees Temporarily Disabled as a Result of Assault by Individuals Served
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Date of Last Revision:	October 31, 1994
Applicability:	All DDSN State Employees

The language used in this policy does not create an employment contract between the employee and the Department of Disabilities and Special Needs (SCDDSN). **SCDDSN reserves the right to revise the contents of this policy, in whole or in part.**

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**PURPOSE:**

This directive establishes uniform policies, procedures and guidelines relative to administrative leave for employees who are temporarily disabled as a result of an assault by an individual served.

**AUTHORIZATION:**

Section 8-11-40, et seq., South Carolina Code of Laws of 1976, as amended, provides that permanent full-time state employees who are temporarily disabled as a result of an assault by an inmate, patient or individual served must be placed on administrative leave with pay by their employer rather than sick leave.

**DEFINITION:**

***Assault*** - an intentional, unprovoked attack by an individual served upon an employee in such a manner that the employee could not have reasonably avoided the attack and which resulted in a temporary, physical disability.

***Temporary Disability*** - a disability which results from an assault by an individual served, is temporary in nature, and which does not exceed 180 calendar days.

***Restraint Procedure*** - any procedure approved by the Department for use in managing inappropriate or aggressive behavior of an individual served.

**POLICY:**

It is the policy of the Department of Disabilities and Special Needs (DDSN) to grant administrative leave with pay to employees who are temporarily disabled as a result of an assault by an individual served. Administrative leave with pay shall not exceed 180 calendar days for this purpose. Employee will be expected to return to work on or before the end of 180 days. If additional time off is needed, employee may request sick leave, annual leave, leave without pay or initiate disability retirement action. Failure to exercise any of these options may result in termination from employment. Initial approval of administrative leave will require a physician's (M.D.) certificate describing the temporary disability and giving the projected inclusive dates of the disability. DDSN may require additional documentation from the physician issuing the certificate or may secure additional medical opinions from other physicians (M.D.'s).

Injuries involving an individual served struggling with an employee during a restraint procedure are not considered assault. Absence due to injuries incurred while performing accepted restraint procedures may be compensable under workers' compensation law. Injuries received by employees who are engaged in their normally assigned duties, will in most cases, not be considered as individuals served assault injuries.

Employees who receive disabling injuries as a result of an intentional, unprovoked attack by an individual served may be granted administrative leave with pay if such injuries require the services of a physician (M.D) and a report of treatment is provided.

Employees on administrative leave with pay in excess of fifteen (15) calendar days will be required to provide an updated physician's certificate on a bi-weekly (every two weeks) basis. Failure to provide required documentation will be grounds for termination of administrative leave.

Administrative leave will not be authorized without prior approval of the Regional Director.

**PROCEDURE:**

An employee who receives an injury, no matter how minor, as a result of an alleged assault by an individual served shall report it immediately to the supervisor or in-charge person. The supervisor or in-charge person shall immediately send the employee to the emergency room of the hospital, infirmary or clinic located on the facility property. If necessary, in cases involving serious injury, after emergency treatment, the staff physician or nurse treating the employee will direct that the employee be sent to the employee's personal physician or designated treatment facility for further treatment.

The employee's supervisor shall immediately upon being notified that an employee has received an injury as a result of an assault by an individual served, complete SCDDSN Form Report of Injury as outlined in Section 9G (Job Connected Injuries) of the General Rules and Regulations handbook.

The attending DDSN physician should complete the Physician's Report on the back of the SCDDSN Report of Injury form as soon as the examination of the employee has been completed. The physician should then forward this form to the Regional Human Resource Management

(HRM) Office.

The Facility will review the report of injury. If the physician has indicated time will be lost from work as a result of the injury, the HRM director will recommend to the Regional Director if time lost should be administrative leave with pay or sick leave.

The Regional Director shall be the approving authority for all administrative leave.

It is the responsibility of the Facility to ensure that all required reporting to the Workers' Compensation Fund is accomplished in accordance with established time frames for individuals served assault related injuries.

This directive is effective immediately and rescinds all previous communications relating to administrative leave due to assault by an individual served.

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